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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,763	09/27/2001	Wesley A. Binkley	4943US (01-03-103)	6837

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EXAMINER

ENATSKY, AARON L

ART UNIT	PAPER NUMBER
3713	

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10

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

09/966,763

**Applicant(s)**BINKLEY ET AL. *MAP***Examiner**

Aaron L Enatsky

Art Unit

3713

*-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --***Period for Reply****A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 27 September 2001.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-61 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-61 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \*    c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-8, 10-13, 15-19, 21-28, 30-34, and 49-53 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,530,842 to Wells et al. (“Wells”). Wells teaches a game machine having an integrated processor, monitor, and input element (Abstract). The monitor is secured to the body of the game machine, while still adjustable to a plurality of orientations (4:61-5:24). The monitor adjustments ~~may~~ be performed manually or by motor (5:13-24). The monitor ~~may~~ be one of a plurality of known display types including a flat panel, cathode ray tube, and a field emission array (5:36-40). The input element can be implemented on the display as a touch-screen or other input device remote from a monitor (4:41-49). The remote device for communicating with the game machine also serves to define a device that is external to the game machine. The input devices will allow a player to designate a number of credits to wager on a gaming machine, including receiving compensation for game winnings (8:52-54). The monitor can be pivotal in the horizontal direction, which further teaches movement along a plurality of axes (Fig. 2B-2C). The game machine includes a currency accepting mechanism of any known device for handling currency (6:30-37).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells. In regard to claims 5 and 20, Wells teaches the claimed limitations as disclosed above, but does not teach using an LED for a display. However, Wells teaches as discussed above, that any suitable display technology maybe used. As LED displays are well known display equivalents in the art that provide an alternative inexpensive display, one of ordinary skill would be motivated to modify Wells to use an LED display.

Claims 14, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells as applied to claims 1-4, 6-8, 10-13, 15-19, 21-28, 30-34, and 49-53 above, and further in view of US Patent No. 5,709,360 to Rosen. Wells teaches the claimed limitations as disclosed above, but does not teach allowing vertical movement of the attached monitor. Rosen teaches a ratcheting articulable monitor support capable of moving along the x-y-z axis (Abstract and Figs. 1-3). One would be motivated to modify Wells to use the ratcheting articulable monitor support taught by Rosen so that a game player is given the opportunity to adjust the monitor so that it is accessible in an ergonomically advantageous way (Rosen 1:34-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wells to include the ratcheting articulable monitor support to improve device ergonomics, thus giving a player a more enjoyable experience.

Claims 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells as applied to claims 1-4, 6-8, 10-13, 15-19, 21-28, 30-34, and 49-53 above, and further in view of US Patent No.6,374,208 to Ferris et al. (“Ferris”). Wells teaches the claimed limitations as disclosed above, but does not teach allowing game play without the introduction of currency. Ferris teaches a gaming machine configured using a PC (Abstract), where portions necessary to construct the gaming machine PC are added based upon need (4:28-33). While Ferris does not specifically disclose a currency freed game machine, Ferris also fails to preclude not having a credit and acceptance device in the gaming machine. Ferris’s invention is a mix and match of standard components to build an off the shelf commercial gaming machine out of a PC allowing a user to save significant development costs (1:21-39) with the further ability to play PC based games (2:53-57). As PC based games do not require the introduction of currency to initiate game play, one would be motivated to not require currency for game initiation so that the commercial PC gaming device can also be played in environments not needing revenue, such as a participants home.

Claims 35-46, and 48 rejected under 35 U.S.C. 103(a) as being unpatentable over Wells as applied to claims 11-4, 6-8, 10-13, 15-19, 21-28, 30-34, and 49-53 above, and further in view of US Patent No. 4,575,622 to Pellegrini. Wells teaches the claimed limitations as discussed above including the ability to use multiple different currency accepting mechanisms, but does not teach including more than one currency accepting mechanisms at the same time. Pellegrini teaches an access control system for traditionally coin-operated games including an extra currency mechanism of magnetic strip card (Abstract). Pellegrini further teaches that cards are obtained from a remotely located card dispenser in response to deposited money and the cards

are inserted into a game machine to authorize game play (Abstract). One would be motivated to modify Wells to use both currency accepting mechanisms as taught by Pellegrini so that a game machine can accommodate a wider variety of game participants using different currency.

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wells in view of Pellegrini as applied to claims 1-8, 10-46, 48-53 above, and further in view of Rosen. Wells in view of Pellegrini teaches the claimed limitations as disclosed above, but does not teach allowing vertical movement of the attached monitor. Rosen teaches a ratcheting articulable monitor support capable of moving along the x-y-z axis (Abstract and Figs. 1-3). One would be motivated to modify Wells in view of Pellegrini to use the ratcheting articulable monitor support taught by Rosen so that a game player is given the opportunity to adjust the monitor so that it is accessible in an ergonomically advantageous way (Rosen 1:34-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wells in view of Pellegrini to include the ratcheting articulable monitor support to improve device ergonomics, thus giving a player a more enjoyable experience.

Claims 54-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells as applied to claims 1-4, 6-8, 10-13, 15-19, 21-28, 30-34, and 49-53 above, and further in view of US Patent No. 5,429,361 to Raven et al (“Raven”). Wells teaches the claimed limitations as discussed above, but does not disclose specifics on how gaming credits/authorization and redemptions are performed. Raven teaches a game system that uses magnetic cards issued by a casino for player credit and account tracking (Abstract). Raven also teaches that gaming credits are obtained from a location remote from a gaming terminal that leads to game initiation (10:44-58), the credits are obtained by inserting a card in a gaming machine slot and entering a PIN

(10:44-58), a player can select a number of game credits to used to wager in a game (10:44-67), and a player can redeem the recorded balance at a remote location (11:21-23). One would be motivated to modify Wells to include the cashless gaming system taught by Raven to allow for greater security as authorizations are verified at a central computer (10:56-58) and a player will be release from carrying large amounts of cash to play the game (10:40-43).

*Citation of Pertinent Prior Art*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lucero '022 teaches electronic credit accepting mechanism associated with a gaming machine that verifies available credits via remote communications.

Steininger et al. '744 teaches a monitor in a gaming machine that rotate.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Aaron Enatsky  
April 3, 2003

*V. marsh wallace*  
VALENCIA MARTIN-WALLACE  
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